

Crl.O.P.(MD)No.12548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.08.2025

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL.OP.(MD)No.12548 of 2025

and

CRL.MP.(MD)Nos.9734, 9736 & 10968 of 2025

Justin Raj

... Petitioner

Vs

1.The Inspector of Police,
Puthukadi Police Station,
Puthukadai-Post,
Kanyakumari District.
(Crime No.369 of 2024)

2.Valsalam

... Respondents

PRAYER: The Criminal Original Petition filed under Section 528 BNSS, praying to call for the records relating to the charge sheet taken in C.C. No.146 of 2025 on the file of the learned Judicial Magistrate No.2, at Kuzhithurai, Kanyakumari District and quash the same.



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ORDER

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The petitioner, who is the sole accused in C.C.No.146 of 2025 on the file of the learned Judicial Magistrate No.2, at Kuzhithurai, Kanyakumari District, has filed this petition to quash the said proceedings.

2.The petitioner has projected the case as if he agitated as against the water body encroachment and therefore, he has been made as an accused by foisting a false case. Considering this submission, this Court has entertained this petition and granted an order of interim stay, by its order dated 25.07.2025.

3.The second respondent/defacto complainant has filed a petition to vacate the order of interim stay. The learned counsel appearing for the second respondent/defacto complainant drawn attention of this Court to the earlier order of the Division Bench of this Court in Cont.P.(MD)No.1477 of 2025 in WP.(MD)No.31420 of 2024. The said contempt petition filed by the petitioner herein seeking a direction to issue contempt as against the respondents therein for violating the orders passed in WP.(MD)No.31420 of 2024, dated 03.01.2025. The said writ petition has been filed by the petitioner



with an allegation that the second respondent has encroached the water body.

WEB COPS This Court has also directed the respondents to conduct survey and if there is any encroachment, to remove the same. Thereafter, the petitioner filed contempt petition, wherein the learned Government Advocate submitted that respondents have conducted survey and found that there is no encroachment and therefore, they have not taken any action. Recording the said submission, the said contempt petition was closed, by an order dated 24.06.2025.

4.The petitioner with a grievance that he has been assaulted by the defacto complainant and moved this petition. The learned Government Advocate(Crl.side) appearing for the firs respondent submits that based on the complaint of the petitioner, a case in Cr.No.370 of 2024 has been registered and the complaint of the defacto complainant was registered in Cr.No.369 of 2024. Both cases were investigated and final reports have also been filed in both cases. According to the learned Government Advocate(Crl.side) and the learned counsel for the second respondent, the second respondent has suffered grievous injuries. The learned Government Advocate(Crl.side) has also relied on the wound certificate issued by the Doctor.

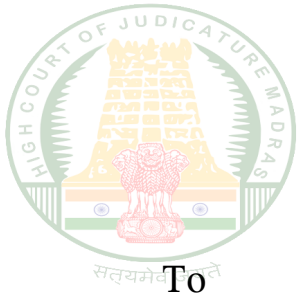


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WEB COPY 5. Considering the facts and circumstances, this Court is of the view that the grounds raised by the petitioner can be appreciated only during the trial and therefore, this criminal original petition is dismissed with liberty to the petitioner to raise all the grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

20.08.2025

gns



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To
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- 1.The Judicial Magistrate No.2,
at Kuzhithurai,
Kanyakumari District.
- 2.The Inspector of Police,
Puthukadi Police Station,
Puthukadai-Post,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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